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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,863	09/29/2000	Gary Dan Dotson	00AB007 (81696/234)	9372

7590 09/22/2004

Attention John J Horn
Rockwell Technologies LLC
Patent Dept 704P Floor 8 T 29
1201 South Second Street
Milwaukee, WI 53204-2496

EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2674

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DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,863

Applicant(s)

DOTSON, GARY DAN

Examiner

Kimmhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-14, 16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been examined. The claims 1-14,16 and 20-24 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 4-14, 16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe et al. (US patent 6,037,930).

Regarding claims 1-2,7, 13-14, 16, Wolfe et al. disclose in figures 1-3, a method of processing an input from a touch plane operator input device comprising: (A) determining a first location (X and Y) of a first touch on the touch plane operator input device (by touch sensitive pad); determining a second location (X and Y) location of a second touch on the touch plane operator input device (by touch sensitive pad); (C) comparing the first and second locations to

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obtain an indication of an amount of difference between the first and second location (because X and Y of the first touch different with X and Y of the second touch); (D) therefore, they determine the indication of amount of difference exceeds a predetermined amount (by delta X and delta Y); wherein the determining steps (A)-(D) are performed by discrete logic circuitry (see column 3, lines 38-47); and wherein the discrete logic circuitry provides an microprocessor when the indication of the amount of difference excess the predetermined amount (see figures 2 and 17A-17B); and an inherent wherein the predetermined amount comprises a first predetermined amount that defines a perimeter of a region that surrounds the first location, and wherein the determining action (D) comprises determining where the second location is outside the perimeter.

Regarding claims 4-5, and 20, Wolfe et al. disclose that the method comprising displaying a mouse pointer (because the mouse mode can push the cursor moving on the screen, see column 1, lines 42-47 and column 3, lines 47-49) from the first location to the second location on a display (see column 1, lines 42-47 and column 3, lines 38-49).

Regarding claim 6, Wolfe et al. disclose the steps (A)-(D) are performed under the control of a state machine implement in the discrete logic circuit (see column 3, lines 38-47).

Regarding claims 8-9, Wolfe et al. disclose that wherein the touch plane operator input device forms at least part of an operator interface of an internet or industrial control system (see column 1, lines 56-58).

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Regarding claims 10-12, Wolfe et al. disclose that wherein the touch plane interface is located on a system-on-chip integrated circuit chip, wherein the microprocessor is located on the integrated circuit chip (see figures 2 and 17A-17B, column 9, lines 9-25), and comprises a touch screen (see abstract), and the touch plane comprises an inherent touch pad because the system having mouse mode).

Allowable Subject Matter

3. Claims 3, 21-24 are allowed.

The present invention is directed to a method of processing an input from a touch plane operator input device comprising: (A) determining a first location of a first touch on the touch plane operator input device; (B) determining a second location of a second touch on the touch plane operator input device; (C) comparing the first and second locations to obtain an indication of an amount of difference between the first and second locations; (D) determine the indication of amount of difference exceeds a predetermined amount; wherein the determining steps (A)-(D) are performed by discrete logic circuitry and calculating the X-location of the second touch by determining an average X-location for the second plurality of data samples, and calculating the Y-location of the touch by determining an average Y-location for the second plurality of data samples. The combination of prior art, Wolfe et al. (US 6,037,930) and Mackawa et al. (US 6,040,824) show a similar system a first location of a first touch on the touch plane operator input device; (B) determining a second location of a second touch on the touch plane operator input device; (C) comparing the first and second locations to obtain an indication of an amount of difference between the first and second locations; (D) determine the indication of amount of

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difference exceeds a predetermined amount; wherein the determining steps (A)-(D) are performed by discrete logic circuitry, and calculating the X-location of the second touch by determining an average X-location for the second plurality of data samples, and calculating the Y-location of the touch by determining an average Y-location for the second plurality of data samples. However, they fail to teach the comparing the first amount of difference with the first predetermined amount and comparing the second amount of difference with the second predetermined amount; wherein steps (A)-(D) are performed by discrete logic; and wherein the discrete logic circuitry provides an event notification to a microprocessor when the indication of the amount of difference exceeds the predetermined amount as claim 3, or wherein the causing step (D) causes microprocessor overhead required to process data from the operator input device to be reduced as compared to the microprocessor overhead that would be required if the microprocessor processed the additional data as claims 21-24.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Or faxed to:


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(703) 872-9314 (for Technology Center 2600 only).

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

Kimnhung Nguyen
September 10, 2004


RICHARD HJERPE 9/17/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600